CITATORS AND INDEX

TO

COURT-MARTIAL REPORTS



A COMPLETE CUMULATION OF THE TABLES OF CASES REPORTED, TABLES OF CASES AND OPINIONS CITED, TABLES OF ORDERS, LAWS, AND REGULATIONS CITED, AND THE INDEXES APPEARING IN THE COURT-MARTIAL REPORTS

Covering

Volumes 26-50

THE JUDGE ADVOCATES GENERAL OF THE ARMED FORCES

AND

THE UNITED STATES COURT OF MILITARY APPEALS

DEPARTMENTS OF TRANSPORTATION, THE ARMY, THE NAVY, AND THE AIR FORCE

WASHINGTON, D.C., 7 SEPTEMBER 1979

The "Citators and Index to Court-Martial Reports," Volumes 26–50, is published for guidance within the respective Armed Forces and the information of all concerned.

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PREFACE

This issue of "Citators and Index to Court-Martial Reports" cumulates the various tables of cases reported or cited, the tables of orders, laws, and regulations cited, and the indexes appearing in Volumes 26 through 50 of the Court-Martial Reports.

The Table of Cases Reported arranges, in alphabetical order by name of accused and by docket or court-martial number, all decisions of the Boards of Review, Courts of Military Review and the United States Court of Military Appeals reported in Volumes 26 through 50. As special features, the alphabetical table includes the appellate action taken with respect to each board of review or Court of Military Review case and the parallel citations or references to the reports of the United States Court of Military Appeals.

The "citator" or Table of Court-Martial Cases Cited collects cases reported in Volumes 1 through 50 CMR and Volumes 1 through 4 CMR(AF) which are cited in cases reported in Volumes 26 through 50 CMR. The citator history of a case as reflected in this table indicates by appropriate symbols whether the case has been distinguished, is not followed, or has been overruled, and also shows by a superior figure the particular headnote of the case referred to. This table also includes the appellate history of cited cases.

The Table of Miscellaneous Cases and Opinions Cited includes Federal and State Court decisions and opinions of miscellaneous Federal departments and agencies. It also includes the opinions of the Judge Advocates General and decisions of Boards of Review and Courts of Military Review cited in Volumes 26 through 50 but reported in publications other than the Court-Martial Reports.

The Table of Orders, Laws, and Regulations Cited collects the references in Volumes 26 through 50 to the Uniform Code of Military Justice, Manual for Courts-Martial, United States Code, and other regulations and statutes.

In all the above tables (with the exception of the "citator") and the cumulative index, the particular volume of the Court-Martial Reports containing the reported case, citation, or point indexed, is indicated by a boldface number. The page reference is lightface. In the "citator" the case cited appears in boldface; the volumes and pages of the particular reports wherein it is cited appear immediately below it.

KEY TO ABBREVIATIONS OF MILITARY AND NAVAL PUBLICATIONS

ABR ACM ACMR ACM S AFBR AFCMR AFJC AFM	United States Army Board of Review General Court-Martial (United States Air Force) United States Army Court of Military Review Special Court-Martial (United States Air Force) United States Air Force Board of Review United States Air Force Court of Military Review United States Air Force Judicial Council Air Force Manual
AGN	Articles for the Government of the Navy
AJCALNAV	United States Army Judicial Council General message from the Secretary of the Navy to all naval activities
ALSTACON	General message from the Secretary of the Navy to all stations in continental United States
AR	Army Regulation Article, Uniform Code of Military Justice
BR	Board of Review (United States Army) or (United States
D14	Air Force)
BR (A-P)	Board of Review, South West Pacific Area (A) Pacific (P) (United States Army)
BR (CBI-IBT)	Board of Review, China-Burma-India; India Burma Theater (United States Army)
BR-JC	Board of Review and Judicial Council (United States Army)
	Board of Review, North Africa Theater of Operations— Mediterranean Theater of Operations (United States Army)
Bull, JACCGBR	Bulletin of the Judge Advocate General of the Army United States Coast Guard Board of Review
CGCM	General Court-Martial (United States Coast Guard)
CGCMM	Coast Guard Court-Martial Manual (1949)
CGCMR	United States Coast Guard Court of Military Review
CGCMS	Special Court-Martial (United States Coast Guard)
CGR	Coast Guard Regulations
CGSMCM	Coast Guard Supplement to the Manual for Courts-Martial 1951
CM CM ETO	General Court-Martial (United States Army) Court-Martial European Theater of Operations (United States Army)
CMO	Court-Martial Orders (United States Navy)
CMR	Court-Martial Reports-The Judge Advocates General of the Armed Forces and the United States Court of Military Appeals
	V AF

KEY TO ABBREVIATIONS

CMR(AF)	
CSJAGA	the Air Force Military Affairs Division, Office of The Judge Advocate
CSJAGC:JAGC	General of the Army Assistant Judge Advocate General For Procurement (Army): Contracts Division, Office of The Judge Advocate General of the Army
Dig Op JAG	Digest of Opinions of The Judge Advocate General of the Army
FM	Field Manual (United States Army)
JAG	Opinion, The Judge Advocate General (United States Army)
JAGA	Military Affairs Division, Office of The Judge Advocate General of the Army
JAGT	Procurement Division, Office of The Judge Advocate General of the Army
MCM 1928	Manual for Courts-Martial (United States Army), 1928
MCM 1949	Manual for Courts-Martial (United States Army) or (United States Air Force), 1949
MCM 1951	Manual for Courts-Martial, United States, 1951
MCM 1969	Manual for Courts-Martial, United States, 1969
MCM 1969 (Rev)	Manual for Courts-Martial, United States, 1969 (Revised Edition)
ML	Military Laws of the United States (Army) annotated
MO-JAGA	Memorandum Opinions of The Judge Advocate General of the Army
NAVOP	General Message from the Chief of Naval Operations to ALNAV distribution except missions, attachés, obser- vers, U.S. Coast Guard activities and minor shore activities
NBR	United States Navy Board of Review
NC&B	Navy Courts and Boards, 1937
NCM	Navy Board of Review decision
NCMR	United States Navy Court of Military Review
NDA	National Defense Act
NDB	Navy Department Bulletin
NGR	National Guard Regulation
NR	Navy Regulations, 1948
NS MCM	Naval Supplement to the Manual for Courts-Martial, United States, 1951
Op CCCG	Opinion, Chief Counsel, Coast Guard
Op GCT	Opinion, General Counsel Treasury Department
Op JAGAF	Opinion of The Judge Advocate General of the Air Force
Op JAGN	Opinion of The Judge Advocate General (United States Navy)
PL	Public Law, Congress of the United States of America
Sp CM	Special Court-Martial (United States Army)
SPJGA	Military Affairs Division, Office of The Judge Advocate General of the Army

KEY TO ABBREVIATIONS

SR	Special Regulation (United States Army)
TM	Technical Manual (United States Army)
UCMJ	Uniform Code of Military Justice
USCMA	Official Reports, United States Court of Military Appeals

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ABBREVIATIONS

adv	mot w/d
misc ordmiscellaneous order modmodified modgmodifying modnmodification	rev review revd reversed revg reversing sup d supplementary decision

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ABBREVIATIONS

affdaffirmed affgaffirming	p grpetition for review granted p n/ppetition for review not perfected
certcertificate or certified for re- view cert w/dcertificate withdrawn	p pndgpetition for review pending p w/dpetition for review with-
ddistinguished dismgdismissing	drawn reconreconsideration
f revfurther review nnot followed ooverruled	rehrehearing remdremanded remgremanding
p dispetition dismissed p dnpetition for review, further	revd reversed revg reversing
review, or modification de- nied	sup d supplemental or supplementary decision



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45:805		48:875	34:923	
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46:8315	affg 6:450	$50:316^{2}$	40:78	$26:462^{3}$
48:147	26:6395	$50:706^9$	43:254	$27:306^3$
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40:599	30:8311	50:233	$27:409^{1}$	$46:309^3$
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44:321	31:3206,9	32:238	48:144	38: <b>609</b> ⁴
45:543	31:6036	33:936	48.144 $48.1476$	39: <b>62</b> ³
45:544	33:795	34:296 36:28	$50:800^2$	39:174
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42:831 ²	29:293	affg 20:438	$d31:431^2$	$42:373^{5}$
44:104 ¹	29:311 ²	31:341	$32:461^{2}$	43:264
44:287	32:938 ¹	$31:35^{1}$	$32:636^{2}$	$43:996^{2}$
45:5433	33:453	$31:617^{1,2}$	$33:717^{1}$	44:75
47:1451	33:454	31:619	$33:905^{1}$	$44:304^{5}$
47:5001	$33:802^{1}$	$34:768^{2}$	$33:906^{1}$	45:208
49:2441	$41:936^{2}$	$35:187^{2}$	$35:763^{2}$	45:405
49:2451	$42:16^{2}$	$35:189^{2,3}$	$40:764^{2}$	45:663 ²
49:2471	42:47 ³	$36:360^{1}$	$43:215^{2}$	46:10095
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31:6504	$38:422^{1}$	40:32	27:3443	00 (78/00 110
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32:836 ³	22 CMR 60	46:921	32:168 ¹	revg 20:881
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34:151 ¹	$27:353^{1} \\ 28:105^{1}$	26:633 ²	37:344 ¹	28:642 ¹³
35:180 ⁴	28:921 ¹	26:635	37:8484	29:381
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35:723 ^{2,3}	30:243 ¹	28:816	20.110	29:455
35:737	30:3821	$29:104^{2}$	22 CMR 112	29:6638
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36:271	$32:217^{1}$	29:6432,5,8	27:4193	30:1213
36:274	33:4301	29:8512	$27:420^{3}$	$30:122^{1}$
37:408	33:5033	29:8892	$27:434^{5}$	$30:532^{1}$
37:409	$33:565^{2}$	$30:353^{2}$	27:789	30:9521
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39:956	$34:887^{5}$	$30:562^{2}$	$29:278^{5}$	$32:500^3$

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34:392 ¹	$35:839^2$	30:785 ¹	28:1144	101101
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$41:205^{1}$	37:409	$d36:238^7$	$31:125^3$	$28:474^{1}$
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37:813	$35:62^{6}$	$31:746^{1}$	36:673 ³	$32:236^{2}$
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26:295	39:678	$33:942^{6-8}$	37:500 ³ 38:238 ¹	40:9651
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43:911	$30:636^{6}$		$32:485^{2}$	p gr 19:709
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39:5749	27:4394	22 CMR 278	31:3612	$46:268^{2}$
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36:558 ¹	$31:685^{5}$	46:783 ¹		$37:28^{1}$
36:559 ³	$32.796^{5}$	201100	22 CMR 907	37:7581
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$32:952^2$	33:2883	30:660	$33:148^{5}$	26:398
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42:1040 ⁵	34:446 ¹	30:800 ¹	$34:123^7$	26:689 ¹
	35:92 ⁵	31:186	$34:887^7$	26:812
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47:6904	32:8496	26:907 ⁷	$31:117^2$	39:545
48:555 ²	33:635		$d31:219^{1}$	43:158
48:882 ²	00.000	26:908	31:673	43:159
49:407	23 CMR 67	27:1087	33:852	48:142
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27:9232	$35:912^{10}$	$29:36^{2}$	41:9582	$35:839^{1}$
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29:942	41:808	29:4067	$44:546^{2}$	23 CMR 107
29:2344	42:88411,13	29:769 ²	$47:761^{2}$	
	42:885		48:70	p gr 22:329
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29:7883		$31:214^{6}$	27:170	$26:714^{2,3}$
$30:114^{4}$	23 CMR 78	$31:216^{6}$	27:882	$29:326^{2}$
$30:476^{4.5}$	27:233	$31:574^{5}$	$28:390^{1}$	29:548
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$40:612^{2}$	32:780 ⁵	35:1065	38:1381	$45:85^{1}$
40:620	33:325	$35:217^{6}$	38:5943	d46:731
40:621	34:9665	35:446	$38:743^{4}$	46:732
41:993	39:8831	35:749	$39:719^2$	
41:10023	42:148	36:119	$39:747^{1}$	23 CMR 246
42:8664	$42:192^{4}$	36:8615	$40:146^{1}$	affg 22:485
43:613 ¹	42:864	37:87	$40:867^{2}$	$26:131^{2}$
43:728 ¹	43:209	37:682	$41:891^{1}$	32:265
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34:7985	$38:819^{2}$	23 CMR 266	26:188	$47:298^{3}$
35:7866	$40:473^{5}$	$26:152^{1}$	26:850	$49:211^{2}$
36:593 ³	$40:638^{5}$	$26:550^{8}$	$27:121^{4}$	
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37:7 ^{8,9}	41:784	$30:4^{8}$	30:8043	26:8671
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26:152 ⁵	$29:684^{2}$	$36:825^3$	$37:503^{1}$	34:218 ³
$26:263^{2}$	$30:742^{2}$	36:8508	37:922	34:782 ¹
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27:147	31:6257	$30:824^{1}$	revg 22:924	23 CMR 388
27:382	32:1493	$30:825^3$	26:42	33:17
28:1011	32:3274	$31:472^{2}$	26:824	33:53
28:190 ¹	33:889 ³	$32:17^{2}$	27:937	34:860
28:2921	33:8901	$32:18^{2}$	28:306 ¹	49:258
32:238	34:881	$32:40^{2}$	$28:310^{1}$	
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40:879	37:634	$32:74^{2}$	33:919	$26:428^{2}$
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29:8162	33:741 ¹	26:9063	$27:430^{2}$	48:2554
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37:293	$41:397^3$	$31:737^{5}$	28:628	$35:764^{13}$
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28 CMR 64	28 CMR 76	29:30	$28:819^{1}$	$30:476^3$
28:90	28:1071	29:38	28:936	31:5024,5
28:224	$28:109^{1}$	29:171	29:171	31:7194
28:703 ³	28:851	29:236	29:5122	32:130 ⁵
28:757³ 28:897³,₄	31:746	30:178	30:630	32:161 ³ 32:372 ^{1,2}
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$36:195^{2}$	28 CMR 144	$33:347^{1,5}$	$32:87^{4}$	36:371
36:3324	$28:285^{1}$	34:443	$32:359^{4}$	37:271
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38:116	28:363 ¹	$34:962^{1}$	$32:524^{4}$	
38:4733	$28:543^{1}$	36:469	$33:368^{2-4}$	28 CMR 187
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32:66 ⁵	29 CMR 340	$30:844^{2}$	$42:125^2$	$33:323^{1-4}$
33:7153	$30:675^{3}$	$32:565^{2}$	$42:290^{1}$	$34:736^7$
33:7165	$31:78^{3}$	$34:572^{2}$		$36:440^{5}$
42:6863	$32:637^{2}$	$35:139^2$	29 CMR 400	36:442
42:6923	32:8213	35:141	affg 28:885	d36:446 ⁷
47:7413	34:8583	45:580	30:6942	36:483
41.147.	$37:25^{3}$	50:714	$30:695^{1}$	36:4844
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29 CMR 318	39:5843	0010	$30:802^{2}$	42:8427
29:416	41:3153	29 CMR 368	$30:803^{2}$	
d29:535	42:10313	33:183 ¹	32:952 ⁶	29 CMR 427
29:536	43:645 ²	33:184 ¹	33:848 ⁴	d44:858
30:460	48:6392	33:242 ¹	34:819	29:443
32:787	48:640 ⁴	43:154 ¹	$34:860^{6}$	30:472 ^{1,2}
	40,040	40.104	35:206 ⁶	31:6652
29 CMR 319	29 CMR 343	00 CMD 071	$35.716^{6}$	31:737
29:488	32:171	29 CMR 371		33:474 ¹ -3
33:637		30:2041	35:9076	
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29 CMR 320	00 0350 045	39:3232	37:9514	33:949 ²
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29 CMR 324	d31:471 ²	47:17		35:895 ⁶
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34:4041	32:717	affg 29:717	$30:17^{5}$	d36:706 ²
45:150	33:6651	$30:953^{6}$	$30:243^{5}$	$37:457^7$
101200	$33:797^{2,3}$	$31:260^3$	$30:289^{4}$	$39:289^{2}$
00 (38/7) 000	37:3254	32:85	$30:300^{5}$	39:429 ⁵
29 CMR 328	43:208	$32:780^{6,7}$	$30:559^{4}$	44:857
30:315	$43:209^3$	33:661	$30:561^{1}$	46:669 ⁵
30:6781	$43:212^{3}$	$33:702^{1}$	31:1984	$48:125^{6}$
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29 CMR 331	31:703	35:56413	33:430 ⁵	00.020
29:4563	34:206	35:650	33:449 ⁴	90 (11/10) 400
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34:6073	35:440	35:809 ¹⁶		30:1081
34:6583	35:895		35:86 95:411	30:109 ¹
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49:387	46:445	45:227	<b>44</b> :588 ¹	$42:856^{1}$
49:388	49:695	45:377	$47:67^{1}$	43:948

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30:833 ²	30:748 ¹	29 CMR 485	30:562	45:815
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43:4724	$33:594^{2}$	36:360	34:783	$30:415^{3}$
44:666	$33:637^{1}$	$36:361^{1}$	34:861	$31:563^2$
45:541	34:149	$37:777^2$	35:506	$32:255^{2}$
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29 CMR 452	$d34:980^{1}$	29 CMR 487	29 CMR 507	$33:402^{3}$
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49:226	$48:736^{2}$	34:515	$41:864^{3}$	$33:70^{3}$
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30:140	$32:952^{1}$	$31:703^{1}$		
31:280	$33:250^{1}$	$32:508^{2}$	29 CMR 524	
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34:378 ³		29 CMR 777	$43:832^4$	34:949
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30:148 ¹	$30:290^{1}$	$30:937^{1}$	30 CMR 48	$46:231^{2}$
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32:466 ³	$32:233^2$	$32:912^3$	$33:919^{1}$	33:7923
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33:883 ²	36:838	$35:795^{6}$	$39:422^{1}$	30 CMR 68
35:374	$38:755^{1}$	$36:10^{2}$	$39:524^{2}$	31:7032
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35:385	42:439	$36:812^{2}$	39:625	32:789 ¹
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30:289	38:737	d31:368 ²	32:549 ⁴	d33:76 ²
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49:49	$48:919^{2}$	$31:146^{3}$	$30:361^{1}$	36:784
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39:5774	50:348 ¹	$40:445^3$	01.111	49:7482
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39:6264	$d47:204^{1}$	$41:447^3$	30:385	30:409
39:7164	$30:110^{1}$	42:209	31:287	32:780
39:7284	$31:197^3$	$42:870^3$	39:766	32:781
40:2131	$31:453^{3}$	$48:262^{3}$	40:38	34:793
40:214	$32:130^3$	$50:241^3$		34:794
40:2154	$32:163^{1}$		30 CMR 156	38:677
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32:8972       34:8412       43:556       35:8413         32:9032       38:591       32 CMR 176       32:3701       36:239         33:1533       44:543       32 CMR 176       32:3701       36:239         33:1543       32:1975       32:9084       36:8844         34:303       32 CMR 162       32:2095       33:104       36:9544         34:3041       32:559       32:2105       34:50       36:9614         35:3922       32:2125       35:1805       37:2355         37:68       32 CMR 163       32:2715       35:737       37:5972         38:240       32:5599       32:3704.5       36:1963       38:2972         38:2474       33:1638       32:8235       40:7055       38:7965         38:8894       33:259       32:8244.5       43:9815       41:6152         43:6452       33:463       32:9084.5       43:8985         44:892       34:132       32:9524.5       32 CMR 213       44:209         45:1252       34:154       34:506       32:4162       44:406         35:7244.6       34:3156       33:314       44:4571         34:6482       36:488       34:977       36:6855       45:516 <t< td=""><td></td><td></td><td>32 CMR 171</td><td></td><td>35:830</td></t<>			32 CMR 171		35:830
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32 CMR 573	32 CMR 669	$43:911^{2}$	32 CMR 898	$39:277^{1}$
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45:119	33:666 ¹²	33:879	33:808 ¹⁸	$41:490^{2}$
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42:1027	47:711 ³	46:1271	43:557	$42:600^{1}$
43:298	47:712	46:9112	44:564	42:601
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48:5945					
11 CMR 970					
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41 CMR 985					
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48:638	47:3584	48:158	42 CMR 33		$42:286^{2}$
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46:9878         50:772         43:567         42:791         42:6616           50:8788         50:306         43:591         42:25222         42:675           50:4399         43:592         42:253         42:730           41 CMR 999         50:507         43:798         42:7701         42:7428           43:6341         50:702         43:820         42:8381         42:743           43:6341         50:703         43:861         42:8701         42:792           45:4212         44:696         44:321         42:7988           46:381         42 CMR 14         46:834         46:5301         42:8056           47:467         revg 41:985         48:69992         42:899           42:3412         42 CMR 35         49:197         43:166           41 CMR 1007         42:983         50:6682         49:197         43:166           41 CMR 1007         42:983         50:6682         49:197         43:166           47:495         50:9         p dn 44:810         46:1298         43:315           47:495         50:3322         47:405         47:111         43:465           49:2853         42:544         42:271         45:548           41 CMR					
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47:846	$47:970^{1}$	d46:862		45 CMR 347
47:901	$48:628^{2}$	46:865	45 CMR 321	46:1261
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Including Miscellaneous Decisions of The Judge Advocates General and Boards of Review, Courts of Military Review, Federal and State Court Decisions, and the Opinions of Various Federal Departments and Agencies



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#### YMCA

## Youthful offenders

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